

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
JAMES ROBERT HILL,)	
)	CASE NO. BK10-83369-TJM
Debtor(s).)	A10-8083-TJM
<u>MAC TRAILER LEASING, INC.,</u>)	
)	8:08CV425
Plaintiff,)	
)	
vs.)	CHAPTER 7
)	
JAMES R. HILL,)	
)	
Defendant.)	

REPORT & RECOMMENDATION

This case was transferred from the district court because a party is in a bankruptcy case.

This lawsuit was filed in 2008 to recover damages for breach of the defendant's guaranty of Merit Transportation Company, L.L.C.'s trailer lease with the plaintiff. An offer and acceptance of judgment was made, and the Clerk of the United States District Court entered judgment for the plaintiff in the amount of \$3,167,915.94 on July 21, 2010. On November 18, 2010, the defendant filed a Chapter 7 bankruptcy petition, resulting in the referral of the lawsuit to this court for further proceedings in light of the bankruptcy.

Because judgment in this case is final and no further action by the bankruptcy court is necessary, the case may be returned to the district court. However, the automatic stay in effect as a result of the filing of the bankruptcy petition protects Mr. Hill from any and all efforts to collect a pre-petition debt such as the civil judgment.

I therefore respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding and stay all further proceedings as to the defendant.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: December 2, 2010

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

Bruce H. White

Clifton R. Jessup, Jr.

Tanya D. Henderson

Donald L. Swanson

James F. Cann

John T. Turco

U.S. Trustee